



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

EPA Region 5 Records Ctr.



226748

OCT 28 2002

REPLY TO THE ATTENTION OF:
Lindsay Light II Site

PROMPT REPLY NECESSARY
CERTIFIED MAIL: RETURN RECEIPT REQUESTED

Illinois Central Railroad
3048 South Robinson Street
Chicago, IL 60608

Re: Request for Information Pursuant to Section 104 of CERCLA
for Lindsay Light II Site, in Chicago, Illinois
(OU5, Family Golf Course/Lake Shore East)

Dear Sir or Madam:

This letter seeks your cooperation in providing information and documents relating to radioactive contamination that may be associated with the Lindsay Light II Superfund Site in Chicago, Illinois (the "Site"). We encourage you to give this matter your immediate attention and that you provide a complete and truthful response to this Information Request and attached questions (Attachment B) within twenty (20) business days of your receipt of this letter.

The United States Environmental Protection Agency ("U.S. EPA") is investigating the release or threat of release of radioactive hazardous substances at the Site. U.S. EPA is seeking to obtain information concerning the generation, storage, treatment, transportation, and methods used to dispose of these substances, and identify activities, materials, and parties that contributed to contamination at the Site. U.S. EPA believes that you might possess information which may assist the Agency in its investigation of the Site.

U.S. EPA is investigating the disposal of radioactive material from the location of the former Lindsay Light Company, and the Lindsay Light and Chemical Company ("Lindsay Light"), its thorium manufacturing plant at 316 East Illinois Street, and its main office building located at 161 East Grand Avenue in Chicago, Illinois. U.S. EPA is also investigating the disposal of radioactive material in other off-site areas in the vicinity.

Background

From approximately 1904 until approximately 1935, Lindsay Light refined thorium-containing ores and manufactured incandescent mantles in Chicago for residential and commercial building

lights. The radioactive ores were shipped by rail to the manufacturing facility at 316 E. Illinois Street. The gas mantle manufacturing involved dipping gauze mantle bags into solutions containing radioactive thorium. Lindsay Light then moved its operations to West Chicago, Illinois in approximately 1935.

U.S. EPA has provided oversight for the cleanup of the former Lindsay Light property at 316 East Illinois Street and at several adjacent properties, including 227 East Grand Avenue (Grand Pier), 341 East Ohio Street, and DuSable Park.

Part of U.S. EPA's investigation has included conducting radiological surveys of certain properties in the downtown Chicago area, roughly bordered to the north by East Ohio Street, to the east by North Streeter Drive, to the south by East Illinois Street, to the west by North Rush Street, and south along North Columbus Drive to the Chicago River. To date, approximately 40,000 tons of thorium-impacted soils have been excavated in the Streeterville area for disposal and work is still ongoing. In addition, U.S. EPA has learned that other locations in Chicago may have been used for the disposal of wastes from Lindsay Light operations. U.S. EPA also is investigating radioactive contamination found on property bordered on the north by Wacker Drive, on the east by Lake Shore Drive, on the south by Randolph Street, and on the west by Columbus Drive, referred to as the "Family Golf Course/Lake Shore East Property (the "Property)". Thorium has also been discovered in soils at Lake Point Towers. This contamination may be related to historical operations associated with the Lindsay Light Company.

Under Section 104(e)(2) of CERCLA, 42 U.S.C. §9604(e)(2), U.S. EPA has broad information gathering authority which allows U.S. EPA to require persons to furnish information or documents relating to:

(A) The identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of at a vessel or facility or transported to a vessel or facility.

(B) The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility.

(C) Information relating to the ability of a person to pay for or to perform a cleanup.

While U.S. EPA seeks your cooperation in this investigation, compliance with the Information Request is required by law. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. §1001. The information you provide may be used by U.S. EPA in administrative, civil or criminal proceedings.

Some of the information U.S. EPA is requesting may be considered by you to be confidential. Please be aware that you may not withhold the information upon that basis. If you wish U.S. EPA to treat the information confidentially, you must advise U.S. EPA of that fact by following the procedures outlined in Attachment A, including the requirement for supporting your claim for confidentiality.

If you have information about other parties who may have information which may assist the Agency in its investigation of the Site or may be responsible for the contamination at the Site, that information should be submitted within the time frame noted above.

Section 104 of CERCLA, 42 U.S.C. §9604, authorizes U.S. EPA to pursue penalties for failure to comply with that section or for failure to respond adequately to requests for submissions of required information.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. §3501 et seq.

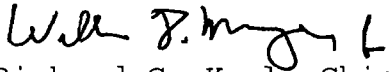
Instructions on how to respond to the questions in Attachment B to this document are described in Attachment A. Your response to this Information Request should be mailed to:

U.S. Environmental Protection Agency
Debra Regel, Enforcement Specialist
Emergency Enforcement & Support Section, SE-5J
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

The relevant time period for this Request for Information is from 1904 to the present. If you have additional questions about the history of either the Site or the Property, the nature of the environmental conditions at the Site or the Property, or the status of cleanup activities associated with the Site, please contact either Verneta Simon or Fredrick Micke, On-Scene Coordinators, at (312) 886-3601 or (312) 886-5123 respectively. However, if you have specific questions about the Information Request, please contact Debra Regel, Enforcement Specialist, at (312) 353-7632.

We appreciate and look forward to your prompt response to this Information Request.

Sincerely,



Richard C. Karl, Chief
Emergency Response Branch

Enclosures

CC: Mort P. Ames, Esq.
City of Chicago
Department of Law
30 North LaSalle Street, Room 900
Chicago, IL 60602-2580

bcc: Mary Fulghum, ORC (C-14J)
Verneta Simon, OSC (SE-5J)
Fred Micke, OSC (SE-5J)
Larry Jensen (SE-5J)
John Maritote, EESS (SE-5J)
Debbie Regel, EESS (SE-5J)
Toni Lesser, Public Affairs, (P-19J)
Records Center (SMR-7J)

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Attachment A
Information Request
to Illinois Central Railroad

Instructions

1. Answer Every Question Completely. A separate response must be made to each of the questions set forth in this Information Request. For each question contained in this letter, if information responsive to this Information Request is not in your possession, custody, or control, please identify the person(s) from whom such information may be obtained.
2. Number Each Answer. Precede each answer with the corresponding number of the question and the subpart to which it responds.
3. Provide the Best Information Available. Provide responses to the best of Respondent's ability, even if the information sought was never put down in writing or if the written documents are no longer available. You should seek out responsive information from current and former employees/agents. Submission of cursory responses when other responsive information is available to the Respondent will be considered non-compliance with this Information Request.
4. Identify Sources of Answer. For each question, identify (see Definitions) all the persons and documents that you relied on in producing your answer.
5. Continuing Obligation to Provide/Correct Information. If additional information or documents responsive to this Request become known or available to you after you respond to this Request, U.S. EPA hereby requests pursuant to Section 104(e) of CERCLA that you supplement your response to U.S. EPA.
6. Confidential Information. The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. §§9604(e)(7)(E) and (F), and Section 3007(b) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. §6927(b), and 40 C.F.R. §2.203(b).

If you make a claim of confidentiality for any of the information you submit to U.S. EPA, you must prove that claim. For each document or response you claim confidential, you must separately address the following points:

1. the portions of the information alleged to be entitled to confidential treatment;

2. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
3. measures taken by you to guard against the undesired disclosure of the information to others;
4. the extent to which the information has been disclosed to others; and the precautions taken in connection therewith;
5. pertinent confidentiality determinations, if any, by U.S. EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
6. whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp or type "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise nonconfidential documents should be clearly identified. You should indicate a date, if any, after which the information need no longer be treated as confidential. Please submit your response so that all non-confidential information, including any redacted versions of documents, is in one envelope and all materials for which you desire confidential treatment are in another envelope.

All confidentiality claims are subject to U.S. EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such claim will be disclosed by U.S. EPA only to the extent permitted by Section 104(e) of CERCLA. If no such claim accompanies the information when it is received by U.S. EPA, then it may be made available to the public by U.S. EPA without further notice to you.

7. Disclosure to U.S. EPA Contractor. Information which you submit in response to this Information Request may be disclosed by U.S. EPA to authorized representatives of the United States, pursuant to 40 C.F.R. §2.310(h), even if you assert that all or part of it is confidential business information. Please be advised that U.S. EPA may disclose all responses to this Information Request to one or more of its private contractors for the purpose of organizing and/or analyzing the information

contained in the responses to this Information Request. If you are submitting information which you assert is entitled to treatment as confidential business information, you may comment on this intended disclosure within ten (10) business days of receiving this Information Request.

8. Personal Privacy Information. Personnel and medical files, and similar files, the disclosure of which to the general public may constitute an invasion of privacy, should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."

9. Objections to Questions. If you have objections to some or all the questions within the Information Request letter, you are still required to respond to each of the questions.

Definitions

The following definitions shall apply to the following words as they appear in this Information Request.

1. The term "**arrangement**" means every separate contract or other agreement between two or more persons, whether written or oral.

2. The term "**documents**" includes any written, recorded, computer-generated, or visually or aurally reproduced material of any kind in any medium in your possession, custody, or control, or known by you to exist, including originals, all prior drafts, and all non-identical copies.

3. The term "**hazardous substance**" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.

4. The term "**radioactive hazardous substance**" shall mean, but not exclusively, radioactive Rare Earths, radioactive Monazite sand, radioactive gas mantles, and radioactive thorium and all its associated decay products in the Thorium (Th-232) Decay Series, radioactive uranium and all associated decay products in both the Uranium (U-238) Decay Series and the Actinium (U-235) Decay Series, and all its associated decay products. Also, radioactive hazardous substance shall mean any hazardous chemicals associated with these radioactive materials as a result of processing or manufacturing actions, radioactive wastes

produced as a result of the extraction of thorium from Monazite sand or ore, or from other ores, any unused ore, thorium mill tailings, chemical wastes from the extraction process, and wastes and/or soil obtained as fill.

5. The term "**identify**" means, with respect to a natural person, to set forth: (a) the person's full name; (b) present or last known business and home addresses and telephone numbers; (c) present or last known employer (include full name and address) with title, position or business.

6. With respect to a corporation, partnership, or other business entity (including a sole proprietorship), the term "**identify**" means to provide its full name, address, and affiliation with the individual and/or company to whom/which this request is addressed.

7. The term "**material**" or "**materials**" shall mean any and all objects, goods, substances, or matter of any kind, including but not limited to Rare Earths, radioactive Monazite sand or ore, any other radioactive ores, and radioactive gas mantles.

8. The term "**person**" shall include any individual, firm, unincorporated association, partnership, corporation, trust, or other entity.

9. The term "**pollutant or contaminant**" shall include, but not be limited to, any element, substance, compound, or mixture, including disease-causing agents, which after release into the environment will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations; except that the term "pollutant or contaminant" shall not include petroleum.

10. The term "**real estate**" shall mean and include, but not be limited to the following: land, buildings, a house, dwelling place, condominium, cooperative apartment, office or commercial building, including those located outside the United States.

11. The term "**release**" shall mean any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.

12. The term "**Site**" shall mean the Lindsay Light II Superfund Site located at 316 East Illinois Street, Chicago, Illinois and includes off-site contamination found in the surrounding area.

13. The term "**Property**" shall mean the area bordered on the north by Wacker Drive, on the east by Lake Shore Drive, on the south by Randolph Street, and on the west by Columbus Drive.

14. The term "**waste**" or "**wastes**" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, and pollutants or contaminants, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes. In particular relative to this Information Request, "waste" or "wastes" shall also include radioactive wastes produced as a result of the extraction of thorium from Monazite sand or ore, or from other ores, any unused ore, thorium mill tailings, chemical wastes from the extraction process, and wastes and/or soil obtained as fill.

15. The term "**you**" or "**Respondent**" shall mean the Illinois Central Railroad.

16. The term "**Lindsay Light**" shall mean the Lindsay Light Company (1904-1935), and the Lindsay Light and Chemical Company (1935-1952), both located in Chicago, Illinois. The term "Lindsay Light" shall also mean its thorium manufacturing plant at 316 East Illinois Street, its office building at 161 East Grand Avenue, and its location at 22 West Hubbard Street, in Chicago, Illinois.

Attachment B
Requests

1. Identify all persons consulted in the preparation of the answers to these Information Requests.
2. Identify all documents consulted, examined, or referred to in the preparation of the answers to these Requests, and provide copies of all such documents.
3. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Information Request or who may be able to provide additional responsive documents, identify such persons.
4. Identify all persons having knowledge or information about the generation, transportation, treatment, disposal, or other handling of hazardous substances or radioactive hazardous substances by you, your contractors, or by prior owners and/operators.
5. Identify the acts or omissions of any persons, other than your employees, contractors, or agents, that may have caused the release or threat of release of hazardous substances, radioactive hazardous substances, wastes, pollutants, or contaminants, and damages resulting therefrom.
6. Did you ever handle Rare Earths, Monazite sand, ores rich in thorium, ores rich in Rare Earth elements, radium-226, radium-228, mesothorium, radioactive gas mantles, or any other raw or finished materials from or for Lindsay Light or for any other company? If so, describe the nature of your activities or business with respect to purchasing, receiving, processing, storing, treating, delivering, transporting, disposing, or otherwise handling hazardous substances, radioactive hazardous substances, or materials at the Property, to the Property, or from the Property.
7. Did you ever handle any wastes, radioactive wastes, unused ore, thorium mill tailings, chemical wastes, or wastes and/or soil obtained as fill from Lindsay Light or from any other company? If so, describe the nature of your activities or business with respect to transporting, storing, disposing or filling these materials and identify the name of the company and contact person you did business with.
8. State the dates during which you owned, operated, or leased the Property or any portion thereof.
9. Provide historical information about the Property, including but not limited to the following:

- a) Property boundaries;
- b) Surface structures (e.g., buildings, tanks, etc.);
- c) Railroad tracks;
- d) Shipping slips;
- e) Ground water wells, including drilling logs;
- f) Storm water drainage system, and sanitary sewer system, past and present, including septic tank(s), subsurface disposal field(s), and other underground structures; and where, when and how such systems were constructed and are emptied;
- g) Historical fill and excavation areas;
- h) Any and all historical additions, demolitions, or changes of any kind on, under, or about the Property, to its physical structures, or to the Property itself (e.g., excavation work); and
- i) Please provide copies of any and all maps and drawings of the Property in your possession relative to a) - h) above.

10. Identify all past and present solid waste units (e.g., waste piles, landfills, surface impoundments, waste lagoons, waste ponds or pits, tanks, container storage areas, etc.) on the Property that contain or contained hazardous substances, radioactive hazardous substances, wastes, pollutants, or contaminants related to the Site or to Lindsay Light. For each such solid waste unit identified, provide the following information:

- a) A map showing the unit's boundaries and the location of all known solid waste units whether currently in operation or not. This map should be drawn to scale, if possible, and clearly indicate the location and size of all past and present units;
- b) The type of unit (e.g., storage area, landfill, waste pile, etc.), and the dimensions of the unit;
- c) The dates that the unit was in use;
- d) The purpose and past usage (e.g., storage, spill containment, etc.);
- e) The quantity and types of materials (hazardous substances, radioactive hazardous substances, and any other chemicals) located in each unit; and

f) The construction (materials, composition), volume, size, dates of cleaning, and condition of each unit.

g) If unit is no longer in use, how was such unit closed and what actions were taken to prevent or address potential or actual releases of waste constituents from the unit.

11. Identify the prior owners of the Property, and the dates of ownership.

12. Identify the prior operators, including lessors, of the Property. For each such operator, identify the dates of operation and the nature of prior operations at the Property.

Lindsay Light II Site

PROMPT REPLY NECESSARY

CERTIFIED MAIL: RETURN RECEIPT REQUESTED

Illinois Central Railroad
3048 South Robinson Street
Chicago, IL 60608

Re: Request for Information Pursuant to Section 104 of CERCLA
for Lindsay Light II Site, in Chicago, Illinois
(OU5, Family Golf Course/Lake Shore East)

Dear Sir or Madam:

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Background

From approximately 1904 until approximately 1935, Lindsay Light refined thorium-containing ores and manufactured incandescent mantles in Chicago for residential and commercial building

CONCURRENCE REQUESTED									
EMERG									
Regel 10-2-02	Summ 10/3/02								
ES	OSC	RS CHIEF	EES CHIEF	ORC	ORC CHIEF	EL CHIEF	INF COORD	SFD Director	RA

REMOVAL PROGRAM
INFORMATION REQUESTS
ROUTING SLIP
(REVISED OCTOBER 1999)

LINDSAY LIGHT II
OU 5/FAMILY GOLF COURSE/LAKE SHORE EAST
(SITE NAME)

Please sign the Yellow and check your name off this page.

Then pass the document on to the next name.

Do not sign this page, SIGN THE YELLOW

	NAME	MAIL CODE
1. ERB ENFORCEMENT SPECIALIST	<u>Debbie Regel</u>	<u>SE-5J</u> ✓
2. ERB ON-SCENE COORDINATOR	<u>Verneta Simon</u>	<u>SE-5J</u> ✓
3. ERB ON-SCENE COORDINATOR	<u>Fred Micke</u>	<u>SE-5J</u> ✓
4. SENIOR HEALTH PHYSICIST	<u>Larry Jensen</u>	<u>SE-5J</u> ✓
5. EESS SECRETARY	<u>Akimi Cheng</u>	<u>SE-5J</u>
6. ORC STAFF ATTORNEY	<u>Cathy Martwick</u> <u>Mary Eulenburg</u>	<u>C-14J</u> ✓
7. EESS SECRETARY	<u>Akimi Cheng</u>	<u>SE-5J</u> ✓
8. EESS SECTION CHIEF	<u>Bill Messenger</u>	<u>SE-5J</u> ✓
9. ERB BRANCH SECRETARY	<u>Cynthia Beck</u>	<u>SE-5J</u>
10. ERB BRANCH CHIEF	<u>Richard Karl</u>	<u>SE-5J</u>
11. RETURN TO SE-5J/EESS SECRETARY FOR MAILING TO PRPs AND DISTRIBUTION OF BCC LIST.		

DATE MAILED TO PRPs: OCT 28 2002